DEPARTMENT OF PERSONNEL

ADDENDUM
TO
DEPARTMENT OF PERSONNEL
ADMINISTRATIVE REGULATION NO. 134

This Addendum is to provide a quick reference as to what constitutes Qualified Paid Leave - paid leave that qualifies as hours worked to meet the threshold for overtime compensation under Section 15 of the Compensation Ordinance. It also includes examples and provides guidance for the administration of the "hours worked" provisions.

Most examples are for Overtime Code 3 employees (overtime rate 1.5x) who are normally scheduled to work forty (40) hours per week, eight hours per day, off days are Sunday and Saturday, off on holidays. Changes to this scenario are listed within the specific example.

Abbreviations - ST OT, FLSA OT, DOCKS, etc. - refer to the columns on the Time Sheet used by department payroll personnel to submit their department's time to the Comptroller's Payroll Section.

In addition to "actual hours worked" authorized paid time off as designated by the compensation ordinance as eligible for FLSA Overtime calculations shall count as hours worked for the purpose of determining eligibility for overtime compensation.

A.   In addition to actual hours worked, the following paid leave is considered qualified paid leave that count as hours works for the purpose of determining eligibility for overtime compensation: vacation, compensatory time, jury leave and holidays. Medical leave, sick leave and compassion leave are **not** qualified paid leave and do **not** count as hours worked for the purpose of determining eligibility for overtime compensation.

B.   Fire Division Pay Schedule – In addition to vacation, compensatory time, jury leave and holidays, for employees in the "F" pay schedule who work a 19 day, 144 hour work cycle, "O" days are also considered qualified paid leave and count as hours worked.

C. Police Officer Trainee, Police Probationary Officer, Police Officer - Only hours actually worked are considered for the purpose of determining eligibility for overtime compensation for **Police Officer Trainees, Police Probationary Officers, and Police Officers**. Paid leave does not count towards eligibility for overtime.

D. Police Sergeants - Only hours actually worked, holidays, discretionary holidays and sick-injured time count as hours worked towards the 160 hour threshold during the 28 day work cycle which must be met for the purpose of determining eligibility for overtime compensation for **Police Sergeant**.

Examples

EXAMPLE A: Leave <u>counted</u> as hours worked

Sun.	Mon.	Tues.	Wed.	Thur.	Fri.	Sat.
OFF	8	8	10	8	8	OFF
	Vacation Leave					

1) 34   Actual hours worked
2) + 8 Leave counted as hours worked
3) 42   Total hours counted toward hours worked

4)   40 hours at base rate
      2 hours at 1.5x (FLSA) = 3 hours

Summary:
     Three (3) hours would be recorded in the FLSA OT column
     Eight (8) hours would be recorded in the proper column for Vacation Hours
     Forty-three (43) Total hours to be paid

EXAMPLE B: Leave <u>not counted</u> as hours worked

Sun.	Mon.	Tues.	Wed.	Thur.	Fri.	Sat.
OFF	8	8	10	8	8	OFF
	Medical Leave					

1) 34   Actual hours worked
2) + 8 Hours of leave <u>not counted</u> as hours worked
     42   Hours to be paid at straight time (1.0X) overtime rate

Summary:
     Two (2) hours would be recorded in the ST OT column.
     Eight (8) hours would be recorded in the Medical Leave column
     Forty-two (42) Total hours to be paid

EXAMPLE C: Employee works on Holiday

Sun.	Mon. (Holiday)	Tues.	Wed.	Thur.	Fri.	Sat.
OFF	8	8	10	8	8	OFF

1) 42 Actual hours worked
2) + 8 Hours for Holiday
3) 50 Total hours counted toward hours worked

4) 40 hours at base rate
    10 hours 1.5x (FLSA) = 15 hours

Summary:
    Fifteen (15) hours would be recorded in the FLSA OT column
    Fifty-five (55) Total hours to be paid

EXAMPLE D: Holiday falls on employee's regular off day

In this example, Overtime Code 3 employee works Tuesday through Saturday, off days on Sunday and Monday, eight hours/day. Since the holiday falls on his day off, time needs to be added to the employee's compensatory time balance.

Sun.	Mon. (Holiday)	Tues.	Wed.	Thur.	Fri.	Sat.
OFF	OFF	8	10	8	8	8

1) 42 Actual hours worked
2) + 8 Hours for Holiday
3) 50 Total hours counted toward hours worked

4) 40 hours at base rate
    10 hours 1.5x (FLSA) = 15 hours

Summary:
    Eight (8) hours would go in the Comp Time Earned column
    Seven (7) hours would go in the FLSA OT column
    Forty-seven (47) Total hours paid

EXAMPLE E: **Employee docked from payroll for one hour or more on the full scheduled workday preceding a holiday, the full scheduled workday following a holiday, or on a scheduled holiday – Employee not compensated for holiday**

Sun.	Mon.	Tues.	Wed.	Thur. **(Holiday)**	Fri.	Sat.
OFF	8	8	6 / 2 Dock	8	8	OFF

1)   30   Actual hours worked
2)   + 0   Hours for holiday since employee was docked for more than one hour day before, day of, or day after a holiday
3)   30   Hours

Summary:
   Ten (10) hours would be recorded in the Dock column (dock + holiday)
   Thirty (30) Total hours to be paid

EXAMPLE F: **Dock in week, but does not affect holiday**

Sun.	Mon.	Tues.	Wed.	Thur. **(Holiday)**	Fri.	Sat.
OFF	8	6 / 2 Dock	8	8	8	OFF

1)   30   Actual hours worked
2)   + 8   Hours for Holiday
3)   38   Hours counted toward hours worked; no overtime earned

Summary:
   Two (2) hours would be recorded in the Dock column
   Thirty-eight (38) Total hours paid